

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MARIANO DE LOS SANTOS-POLANCO	:	
Petitioner,	:	
	:	CIVIL ACTION
v.	:	
	:	
JOSEPH P. NISH, ET AL.	:	NO. 06-1679
Respondents.	:	

ORDER

AND NOW, this ____ day of November, 2006, upon careful and independent consideration of the petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, after review of the Report and Recommendation of United States Magistrate Judge Linda K. Caracappa and no objections to the Report and Recommendation having been filed, **IT IS HEREBY ORDERED and DECREED** that:

1. The Report and Recommendation is **APPROVED and ADOPTED**.
2. The petition for a writ of habeas corpus is **DENIED**, without an evidentiary hearing.
3. There is no basis for the issuance of a certificate of appealability.
4. The Clerk of the Court shall mark the above-captioned case as **CLOSED**.

BY THE COURT:

_____/S/ **Petrese B. Tucker**

Honorable Petrese B. Tucker, U.S.D.J.